

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2/27/2023</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRYAN VELAZQUEZ, on behalf of himself and	:	
all others similarly situated,	:	
	:	
Plaintiff,	:	
-against-	:	22-CV-9168 (VEC)
	:	
	:	<u>ORDER</u>
ALPACA DIRECT, LLC,	:	
	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff was ordered to move to amend the complaint due to failure to allege standing, *see* Dkt. 7;

WHEREAS Plaintiff filed a motion to amend the complaint, but the proposed amended complaint also failed adequately to allege standing, Dkt. 10;

WHEREAS on February 17, 2023, Plaintiff was ordered to move again for leave to file an Amended Complaint that adequately alleged standing not later than February 22, 2023, or the action would be dismissed without prejudice for lack of standing, Dkt. 14;

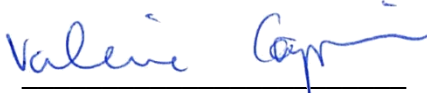
WHEREAS on February 22, 2023, Plaintiff filed a notice of voluntary dismissal with prejudice, Dkt. 16; and

WHEREAS because Plaintiff has not adequately alleged standing, the Court lacks subject-matter jurisdiction over this case and can only dismiss the action without prejudice, *see Bank v. U.S. Dep't of Health & Human Servs.*, 708 F. App'x 43, 44–45 (2d Cir. 2018) (summary order).

IT IS HEREBY ORDERED that this case is DISMISSED without prejudice and without costs (including attorneys' fees) to either party. The Clerk of Court is respectfully directed to terminate all open motions and to CLOSE the case.

SO ORDERED.

Date: February 27, 2023
New York, New York



VALERIE CAPRONI
United States District Judge